

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)

Amendment of Section 73.202(b))

Table of Allotments,)

FM Broadcast Stations)

(Grants and Church Rock, New Mexico))

RM-_____

RECEIVED

APR 29 2005

To: Office of FCC Secretary

Attention: Assistant Chief, Audio Division, Media Bureau

Federal Communications Commission
Office of Secretary

PETITION FOR RULE MAKING

Millennium Media, Inc., the licensee of Station KYVA-FM, licensed for operation on Channel 279C at Grants, New Mexico, herein petitions the Commission to institute a rule making proceeding to reallocate Channel 279C from Grants, New Mexico, to Church Rock, New Mexico, as its first local broadcast station, and to modify the KYVA-FM license to specify operation on Channel 279C at Church Rock. In support, the following is shown:

1. This petition is presented in accordance with Section 1.420(i) of the Commission's rules. Allotment of Channel 279C to Church Rock as proposed herein is mutually exclusive with its allotment to Grants, New Mexico, the allotment upon which petitioner's station KYVA-FM is licensed.¹

2. The community of Church Rock is a Census-Designated Place with a 2000 U.S. Census population of 1077 persons.² Church Rock has no broadcast station, nor is there a pending application to establish a station, and it has no present FM channel allotments. Grants,

¹See attached Engineering Statement of Hatfield & Dawson Consulting Engineers at p. 2.

²A Census-Designated Place (CDP) is a geographically defined concentration of population that is unincorporated and without legally established corporate limits. The CDP is defined by the Census Bureau in cooperation with state officials and local data users.

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New Mexico, the present allotment community of Channel 279C, has two additional FM allotments (Channels 224C2 and 244C3). Station KDSK (FM) operates on Channel 224C2; Channel 244C3 is vacant.³ Station KMIN (AM), an unlimited time station on 980 kHz, is also licensed to Grants. The 2000 Census lists Grants with a population of 8,806. Thus, upon the reallocation of Channel 279C to Church Rock to provide that community with its first broadcast service Grants will retain two operating fulltime local radio stations and an FM allotment available for a third station.

3. Church Rock merits a first local radio service. The community has, as noted above, a 2000 US Census population of 1,077. The population of Church Rock is predominately (more than ninety-five percent) Native American. Church Rock is home to the Church Rock Chapter House of the Navajo Nation. In addition to being the location of monthly meetings of Navajo residents of Church Rock and the surrounding area with their delegate to the Navajo Nation Council, the Chapter House also hosts the community's Head Start Program. Also in Church Rock is the Church Rock Academy School and the Church Rock Christian Reform Church. A Navajo Nation Distribution Program facility, the Eastern Navajo Economic Development Office and an office of the Navajo Nation Housing Corporation are all in Church Rock. A manufacturing plant, Cabinets Southwest, is located in Church Rock. Church Rock has its own zip code (87311), and a U.S. Postal Service post office is situated in the community.

4. The reallocation of Channel 279C from Grants to Church Rock will involve a transmitter site change by KYVA-FM.⁴ A substantial area which now receives 60 dBu service

³FCC records show that an FM translator is licensed on Channel 244 at Grants.

⁴See attached Engineering Statement.

from KYVA-FM will continue to receive service after the site change. The new Channel 279C transmitter site will be west northwest of the present site. An area east southeast of the present site would lose 60 dBu service, while an area west northwest of the present 60 dBu contour would gain service from KYVA-FM. As shown in the attached Engineering Statement, the loss area and population are 6,281 square km and 19,054 persons; the gain area and population are 7,675 square km and 21,689 persons. There is a net increase in service to 2,635 persons in 1,394 square km.

5. The entire loss area will continue to receive two or more radio station services. In some portions of the loss area fewer than five services would remain: two services would be provided to 886 persons in 1,277 square km, three services to 4,611 persons in 3,439 square km and four services to 12,415 persons in 550 square km.⁵ Counterbalancing these loss areas are presently underserved areas within the gain area: an unpopulated area of 20 square km will gain its second service, an area of 325 square km with a population of 391 persons will gain a third service, an area of 580 square km with a population of 1,299 persons will gain a fourth service and an area of 602 square km with 1,103 persons will gain a fifth service.

6. The gains and losses of 60 dBu reception service to areas and populations which now receive and will continue to receive two or more services are considered within the fourth FM allotment priority.⁶ In this instance, there will be a net overall gain of 60 dBu service, but a modestly greater loss than gain to areas and populations which are considered underserved but

⁵These figures do not include service which would be provided if vacant FM channels in the area are activated. See Engineering Statement at p. 5.

⁶Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 (1988).

are not white or gray areas invoking first or second allotment priorities. The reallocation of Channel 279 to Church Rock from Grants will provide a first local transmission service, furthering the third FM allotment priority, hence producing a preferential arrangement of allotments.

7. Millennium Media intends to promptly apply for FCC authorization to construct the Channel 279C Church Rock, New Mexico station proposed herein if the reallocation is made as requested and, if authorized, to promptly construct the new facility.

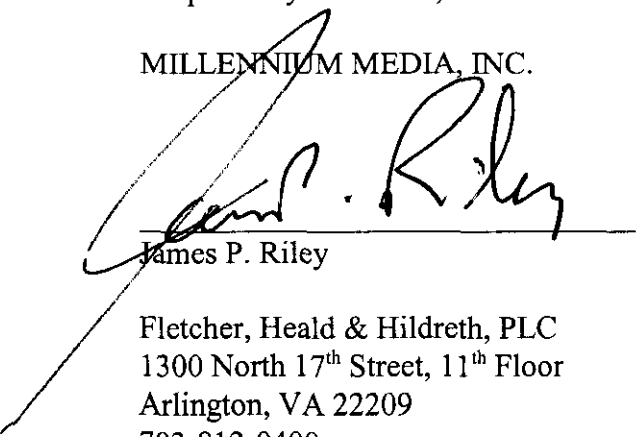
CONCLUSION

In consideration of the foregoing, the Commission is requested to initiate a rule making proceeding to amend Section 73.202(b) as follows:

	<u>Present</u>	<u>Proposed</u>
Grants, New Mexico	224C2, 244C3, 279C	224C2, 244C3
Church Rock, New Mexico	-----	279C

Respectfully submitted,

MILLENNIUM MEDIA, INC.



James P. Riley

Fletcher, Heald & Hildreth, PLC
1300 North 17th Street, 11th Floor
Arlington, VA 22209
703-812-0400

Its Attorney

April 26, 2005

JAMES B. HATFIELD, PE
BENJAMIN F. DAWSON III, PE
THOMAS M. ECKELS, PE
STEPHEN S. LOCKWOOD, PE
DAVID J. PINION, PE

PAUL W. LEONARD, PE
ERIK C. SWANSON, EIT
THOMAS S. GORTON, PE

HATFIELD & DAWSON
CONSULTING ELECTRICAL ENGINEERS
9500 GREENWOOD AVE. N.
SEATTLE, WASHINGTON 98103

TELEPHONE
(206) 783-9151
FACSIMILE
(206) 789-9834
E-MAIL
hatdaw@hatdaw.com

MAURY L. HATFIELD, PE
CONSULTANT
BOX 1326
ALICE SPRINGS, NT 5950
AUSTRALIA

ENGINEERING STATEMENT

**PETITION FOR RULEMAKING TO
AMEND SECTION 73.202 OF THE RULES
AND REGULATIONS FOR THE FEDERAL
COMMUNICATIONS COMMISSION**

**TO ASSIGN FM CHANNEL 279C
FOR USE AT CHURCH ROCK, NM**

MILLENNIUM MEDIA, INC.

APRIL 2005

Engineering Statement

This Engineering Statement has been prepared on behalf of Millennium Media, Inc. ("Millennium"), licensee of station KYVA-FM Channel 279C at Grants, New Mexico, in support of a Petition for Rulemaking to amend §73.202 of the Commission's Rules to reallocate Channel 279C from Grants to Church Rock, New Mexico, and modify the license of station KYVA-FM to specify operation at Church Rock.

The proposed reallocation plan will provide several benefits:

- 1) Church Rock, a community with a 2000 Census population of 1,077 persons, will receive its first local service.
- 2) A total of 21,689 persons will receive an additional aural service, with a net increase of 2,635 persons.
- 3) In accommodating the benefits listed above, no white or gray areas will be created.

Schematically, the proposal is as follows:

Community	Present	Proposed
Church Rock, NM	- - -	279C
Grants, NM	224C2, 244C3, 279C	224C2, 244C3

Channel 279C at Church Rock

As outlined in the attached channel study, Channel 279C can be assigned for use at Church Rock in compliance with the Commission's applicable Rules and Regulations regarding the separation among FM allotments, at Millennium's selected site coordinates on Gibson Peak (N35-36-18 x

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W108-41-11). These are the coordinates of an existing tower site. It should be noted that the use of Channel 279C at Church Rock is mutually-exclusive with the present operation of KYVA-FM at Grants.

The proposed allotment site is 12 kilometers from the far side of Church Rock. The nominal distance to the 70 dBu F(50,50) contour for a minimum-facilities Class C station is 59.1 kilometers. Therefore, and as demonstrated on the attached map exhibit, this site will provide greater than 70 dBu coverage for all of Church Rock.

The proposed allotment of Channel 279C at Church Rock will provide the first local service to that community. Grants will retain local service from stations KDSK Channel 224C2 and KMIN 980 kHz, and from a vacant allotment on Channel 244C3.

Gain and Loss Areas

The reallocation of Channel 279C from Grants to Church Rock will involve a transmitter site change. The gain area will encompass 7,675 km² and a 2000 Census population of 21,689 persons. The loss area will encompass 6,281 km² and a 2000 Census population of 19,054 persons. This equates to a net increase in service to 1,394 km² and 2,635 persons.¹

Loss Area Study

The proposed reallocation plan will not result in the creation of any white or gray areas. Each of the following stations provides 60 dBu service to 100% of the loss area²: KKOR(FM) 233C Gallup, and KXXQ(FM) 264C0 Milan.

Each of the following stations provides service to all or a part of the loss area. The letter preceding the station call letters are used to identify the contours on the attached map exhibit.

¹ The existing service area for Channel 279C at Grants has been based on the operating parameters for KYVA-FM of 100 kW at 414 meters HAAT. The proposed service area for Channel 279C at Church Rock has been based on minimum Class C parameters of 100 kW at 451 meters HAAT.

²In determining reception service provided by FM stations, the area of service circumscribed by the station's 1.0 mV/m signal contour was considered, assuming 1) actual facilities for non-commercial stations operating on reserved channels, 2) maximum facilities for the class of station for stations (other than Class C stations) operating on non-reserved channels, and 3) minimum or existing Class C facilities, whichever is greater, for Class C stations. For clear channel Class A AM stations, the service area was defined by the station's 0.5 mV/m groundwave contour, based on its licensed facilities. For all other classes of full-time AM stations, reception service was defined as that service received within a station's nighttime interference-free contour. See Meeker and Craig, Colorado, 15 FCC Rcd 23858 (2000), Stamps and Fouke, Arkansas, 14 FCC Rcd 10533 (1999), Silverton and Bayfield, Colorado, 14 FCC Rcd 4071 (1999), Malvern and Bryant, Arkansas, 13 FCC Rcd 8426 (1998), and others.

Letter	Call Letters	Channel / Frequency	Community
A	KANW	206C	Albuquerque
B	KTDB	209C3	Ramah
C	KUNM	210C	Albuquerque
D	KFLQ	218C	Albuquerque
E	KRST	222C	Albuquerque
F	KDSK	224C2	Grants
G	KRWN	225C1	Farmington
H	KKOB-FM	227C	Albuquerque
I	KZRR	231C	Albuquerque
J	KKOR	233C	Gallup
K	KWYK-FM	235C1	Aztec
L	KSYU	236C1	Corrales
M	KPCL	239C1	Farmington
N	KBZU	242C	Albuquerque
O	KKSS	247C	Santa Fe
P	KLVO	249C1	Belen
Q	KABG	253C	Los Alamos
S	KMGA	258C	Albuquerque
T	KPEK	262C	Albuquerque
U	KXXQ	265C0	Milan
V	KIOT	273C	Los Lunas
W	KDRF	277C	Albuquerque
X	KABQ-FM	281C	Santa Fe
Y	KKFB	283C	Bloomfield
Z	KTEG	284C1	Bosque Farms
AA	KKRG	286C	Santa Fe
AB	KRZY-FM	290C	Santa Fe
AC	KAGM	292C1	Los Lunas
AD	KBQI	300C	Albuquerque
AE	KMIN	980 kHz	Grants NIF = 12.3 mV/m

Portions of the loss area will be left underserved with fewer than five services remaining:³

886 persons in a 1,277 km² area will be left with 2 aural services

4,611 persons in a 3,439 km² area will be left with 3 aural services

12,415 persons in a 550 km² area will be left with 4 aural services

These service losses are offset by the fact that Church Rock will gain its first local service, and are also in part offset by presently-underserved areas which will gain additional service as a result of a grant of the instant proposal.

³ Those figures do not include service contributions from two existing vacant allotments at Grants and Milan. It is not entirely clear from the Commission's decision in Sells, AZ (MB Docket No. 02-376, Report and Order released November 22, 2004) whether it is appropriate to count existing vacant allotments as providing service to the loss area. For the sake of a complete record, the calculations have been repeated with the inclusion of the Grants and Milan allotments.

Letter	Call Letters	Channel / Frequency	Community
AF	Vacant	244C3	Grants
AG	Vacant	270A	Milan

With service contributions from the existing vacant allotments included, the following portions of the loss area will be left with fewer than five services remaining:

886 persons in a 1,277 km² area will be left with 2 aural services

527 persons in a 1,169 km² area will be left with 3 aural services

1,470 persons in a 1,146 km² area will be left with 4 aural services

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Gain Area Study

Each of the following stations provides service to a part of the gain area. The letter preceding the station call letters are used to identify the contours on the attached map exhibit.

Letter	Call Letters	Channel / Frequency	Community
A	KZUA	221C1	Holbrook
B	KRWN	225C1	Farmington
C	KXXI	229C	Gallup
D	KWYK-FM	235C1	Aztec
E	KPCL	239C1	Farmington
F	KWRK	241C1	Window Rock
G	KDAG	245C	Farmington
H	KGLX	256C1	Gallup
I	KXTC	260C	Thoreau
J	KXXQ	264C0	Milan
K	KTRA-FM	271C	Farmington
L	KKFG	283C	Bloomfield
M	KWIM	285C2	Window Rock
N	KFMQ	291C1	Gallup
O	KFXR-FM	297C2	Chinle
P	Vacant	247C	First Mesa
Q	Vacant	268C1	Gallup
R	Vacant	299C1	Shiprock
S	KTNN	660 kHz	Window Rock NIF = 2.5 mV/m

Portions of the gain area are presently underserved and will gain an additional service:

An unpopulated 20 km² area presently has 1 aural service and will gain its second.

391 persons in a 325 km² area presently have 2 aural services and will gain a third.

1,299 persons in a 580 km² area presently have 3 aural services and will gain a fourth.

1,103 persons in a 602 km² area presently have 4 aural services and will gain a fifth.

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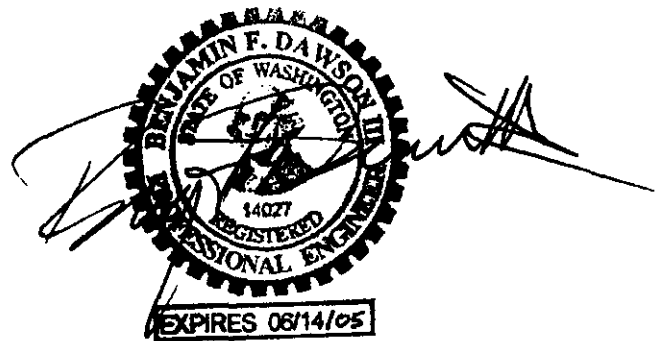
Tuck Analysis Not Required

The allotment of Channel 279C at Church Rock will not provide 70 dBu service to any Urbanized Area as delineated in the 2000 Census. Neither is Church Rock located within any Urbanized Area. Based upon these circumstances, no "Tuck" analysis is believed to be required in support of the proposed reallocation plan.

Statement of Engineer

This Engineering Statement supporting a Petition for Rulemaking to revise the Table of Allotments at Church Rock and Grants, New Mexico, has been prepared by Erik C. Swanson under my direct supervision. All representations herein are true to the best of my knowledge. I am an experienced radio engineer whose qualifications are a matter of record with the Federal Communications Commission. I am a partner in the firm of Hatfield & Dawson Consulting Engineers and am Registered as a Professional Engineer in the States of Washington and California.

Signed this 8th day of April, 2005.



Benjamin F. Dawson III, P.E.

A handwritten signature in cursive script, reading "Erik C. Swanson".

Erik C. Swanson

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FMSTUDY.EXE Copyright 2004, Hatfield & Dawson, LLC Version 1.70

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SEARCH PARAMETERS FM Database Date: 050404

Channel: 279C 103.7 MHz
 Latitude: 35 36 18
 Longitude: 108 41 11
 Safety Zone: 32 km
 Job Title: CHURCH ROCK 279C ALLOTMENT SITE

Call Status	City St	FCC File No.	Channel Freq.	ERP(kW) HAAT(m)	Latitude Longitude	Bearing deg-True	Dist (km)	Req (km)
NEW-T	PORT DEFIANCE		225D	0.023	35-40-16	279.0	47.79	0
APP	AZ BNPFT-030317CDT		92.9	337.0	109-12-28		0.00	TRANS
NEW-T	GALLUP		225D	0.250	35-30-14	198.9	11.86	0
APP	NM BNPFT-030317JPX		92.9	110.0	108-43-44		0.00	TRANS
K277AY	CHINLE		277D	0.010	36-27-39	339.0	101.87	0
CP	AZ BNPFT-030828AFZ		103.3	1055.0	109-05-44		0.00	TRANS
VAC	TAYLOR		278C3	0.000	34-27-54	225.6	180.03	176
	AZ RM-9987		103.5	0.0	110-05-26		4.03	CLOSE
K278AD	CORTEZ, ETC.		278D	0.010	37-22-45	357.9	197.01	0
LIC	CO BLFT-950313TA		103.5	462.0	108-46-04		0.00	TRANS
K278AD	CORTEZ, ETC.		278D	0.250 DA	37-20-56	3.5	193.89	0
CP	CO BPFT-010306ACH		103.5	108.0	108-33-07		0.00	TRANS
NEW	FLAGSTAFF		279C3	0.000	35-14-27	262.1	267.38	237
APP	AZ BSFH-040806AES		103.7	0.0	111-35-48		30.38	CLEAR
NEW-T	ALBUQUERQUE		279D	0.010	35-13-02	101.4	207.49	0
APP	NM BNPFT-030317MVM		103.7	1573.0	106-27-06		0.00	TRANS
KYVA-FM	GRANTS		279C	100.000	35-28-03	110.6	43.24	290
LIC	NM BMLH-980724KB		103.7	414.0	108-14-25		-246.76	SHORT
NEW	QUESTA		279C1	51.000	36-39-23	66.0	298.63	270
APP	NM BNPH-041230ADH		103.7	-64.3	105-37-57		28.63	CLEAR
NEW-T	RIO RANCHO		279D	0.010	35-12-54	101.4	207.60	0
APP	NM BNPFT-030313BMR		103.7	1569.0	106-27-04		0.00	TRANS
NEW-T	WINSLOW		280D	0.170	35-01-25	250.4	187.92	0
APP	AZ BNPFT-030317CSW		103.9	121.0	110-37-38		0.00	TRANS

===== END OF FM SPACING STUDY FOR CHANNEL 279 =====

